

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:01CR215
)	
v.)	
)	
TRACY COOK,)	MEMORANDUM OPINION
)	
Defendant.)	
_____)	

This matter is before the Court on defendant's "motion to alter, amend, or reconsider judgement (sic) pursuant to FRCP 59(e)" (Filing No. 140). The defendant has filed a memorandum of points and authorities in support of this motion (Filing No. 141). The Court has reviewed both the motion and the memorandum.

The only issue which the defendant raises which was not discussed in the Court's memorandum opinion of May 5, 2005 (Filing No. 138) is his allegation that his counsel failed to investigate and obtain available documentary evidence to support a further mental evaluation of the defendant. However, a review of the transcript of that hearing held on June 24, 2002, reflects that his counsel did obtain medical records consisting primarily of the discharge summary of the defendant from the Richard Young Hospital in Omaha in 1993. The defendant testified during the course of that hearing that he had not been hospitalized since that time and he had not been on any medication since that time.

He further testified that he understood the nature of the charges and the indictment, and he understood the role of his counsel, the prosecutor and the Court, and he generally understood the procedures in going forward with a jury trial. That claim of defendant, along with all of the other claims which he made and were addressed by the Court in its memorandum opinion of May 5, 2005, have been fully addressed. The arguments contained in his memorandum of points and authorities in support of his motion for reconsideration are without merit, and the Court finds said motion should be denied. A separate order will be entered in accordance with this memorandum opinion.

DATED this 20th day of June, 2005.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court